

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

DONALD T. GAZAWAY,	:	Case No. 1:20-cv-1024
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
WARDEN, NOBLE CORRECTIONS	:	
INSTITUTION,	:	
	:	
Respondent.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 17) AND ADOPTING
REPORT AND RECOMMENDATIONS (DOC. 15)**

This action is before the Court on Petitioner's Objections (Doc. 17) to Magistrate Judge Bowman's Report and Recommendations (Doc. 15). Magistrate Judge Bowman recommends that the Court deny Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) with prejudice. (Doc. 15.) Petitioner objected to Magistrate Bowman's Report and Recommendations (Doc. 17.) This matter is now ripe for the Court's review.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Petitioner's Objections (Doc. 17) are not well-taken and are accordingly **OVERRULED**. The Court **ADOPTS** the Report and Recommendations (Doc. 15) in its entirety. Thus, the Court **ORDERS** the following:

1. Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is **DENIED** with prejudice.

2. A certification of appealability should not issue with respect to the petition because Petitioner has not stated a “viable claim of the denial of the constitutional right” or presented an issue that is “adequate to deserve encouragement to proceed further.” *See Slack v. McDaniel*, 529 U.S. 473, 475 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)); *see also* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

3. With respect to any application by Petitioner to proceed on appeal in forma pauperis, it is hereby certified that an appeal of this Order would not be taken in “good faith” and therefore Petitioner is **DENIED** leave to appeal in forma pauperis upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND